

**MAY 23 2006**

**CATHY A. CATTERSON, CLERK**  
**U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

ALVIN LAROU PINKOSON,

Plaintiff - Appellant,

v.

JOSEPH M. ARPAIO, sued in official  
capacity; et al.,

Defendants - Appellees.

No. 05-16516

D.C. No. CV-00-02436-MHM

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Arizona  
Mary H. Murguia, District Judge, Presiding

Submitted May 15, 2006 <sup>\*\*</sup>

Before: B. FLETCHER, TROTT, and CALLAHAN, Circuit Judges.

Arizona state prisoner Alvin Laroue Pinkoson appeals pro se from the district court's summary judgment in favor of defendants in his 42 U.S.C. § 1983 action alleging defendants violated his Fourteenth Amendment rights by placing

---

<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

him in a “dry cell” during his arraignment hearing. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Jones v. Blanas*, 393 F.3d 918, 926 (9th Cir. 2004), and we affirm.

The district court properly granted summary judgment on Pinkoson’s claim that defendants violated his Fourteenth Amendment rights, because the evidence taken in the light most favorable to Pinkoson fails to show defendant officers placed him in the holding cell for the purpose of punishment. *See Bell v. Wolfish*, 441 U.S. 520, 537-38 (1979); *Frost v. Agnos*, 152 F.3d 1124, 1130 (9th Cir. 1998). Moreover, because the district court properly concluded there was no constitutional violation, it also properly granted summary judgment in favor of defendants Arpaio and the Maricopa County Board of Supervisors. *See Quintanilla v. City of Downey*, 84 F.3d 353, 355 (9th Cir. 1996) (concluding judgment in favor of police chief and city was proper because “an individual may recover under § 1983 only when his federal rights have been violated”).

We decline to consider evidence and arguments presented for the first time on appeal. *See United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990).

The remaining contentions lack merit.

**AFFIRMED.**